

## Chapter 10

### **ELECTIONS\***

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\***State law references**—Elections, S.C. Code 1976, tit. 7; nominations and elections for municipal offices, S.C. Code 1976, § 5-15-10 et seq.



**Sec. 10-1. Election districts established.**

The city shall be divided into six election districts numbered 1 through 6, which districts shall have the following descriptions:

(1) *District 1.*

Beginning at a point at the intersection of Frederick and Wall Streets and running thence with Frederick Street in a northwest direction to its intersection with Floyd Baker Boulevard; thence running along and with Floyd Baker Boulevard in a northwest direction to its intersection with Peachtree Street; thence running along and with Peachtree Street in a northeast direction to its intersection with Carlisle Street; thence running along and with Carlisle Street in a southeasterly direction to its intersection with Sarratt Street; thence running along and with Sarratt Street in a southwest direction to its intersection with Peeler Street; thence running along and with Peeler Street in a southeast direction to its intersection with Short Peeler Street; thence running along and with Short Peeler Street in a southwesterly direction to Mill Street; thence running along and with Mill Street southeasterly direction to its intersection with Logan Street; thence running along and with Logan Street in a northeast direction to its intersection with Holland Street; thence running along and with Holland Street in a southeast direction to its intersection with Bryant Street; thence running along and with Bryant Street in a northeast direction to its intersection with Short Alley; thence running along and with Short Alley in a southeast direction to its intersection with Granard Street Extension; thence running along and with Granard Street Extension in a northeast direction to its intersection with Third Street; thence meandering along and with the existing city limits boundaries to its intersection with Goldmine Springs Road; thence running along and with Goldmine Springs Road in a westerly direction to its intersection with Colonial Avenue; thence crossing Colonial Avenue to a point, the existing city limits boundary; thence running along and with Colonial Avenue in a southern direction to its intersection with Anthony Street; thence running along and with Anthony Street in a southwest direction to its intersection with Clary Street; thence running along and with Clary Street in a northern direction to its intersection with New Street; thence running along and with New Street in a southwesterly direction to its intersection with Rugby Street; thence running along and with Rugby Street in a northwest direction to its intersection with Chandler Drive; thence running along and with Chandler Drive in a northeast direction to its intersection with Sycamore Street; thence running along and with Sycamore Street in a westerly direction to its intersection with Oak Street; thence running along and with Oak Street in a northwesterly direction to its intersection with Willow Street; thence running along and with Willow Street in a southwesterly direction to its intersection with Filbert Street; thence running along and with Filbert Street in a northwesterly direction to its intersection with Cherry Street; thence running along and with Cherry Street in a northeast direction to its intersection with Walnut Street; thence running along and with Walnut Street in a northwest direction to its intersection with Railroad Avenue; thence running along and with Railroad

Avenue in a southwesterly direction to its intersection with Limestone Street; thence crossing Limestone Street and running along and with Wall Street in a southwest direction to its intersection with Frederick Street, the point of beginning.

(2) *District 2.*

Beginning at a point at the intersection of Logan and Mill Street and running thence along and with Mill Street in a northwesterly direction to its intersection with Short Peeler Street; thence along and with Short Peeler Street in a northeast direction to its intersection with Peeler Street; thence along and with Peeler Street in a northwest direction to its intersection with Sarratt Street; thence along and with Sarratt Street in a northeasterly direction to its intersection with Carlisle Street; thence along and with Carlisle Street in a northwesterly direction to its intersection with Beltline Road; thence along and with Beltline Road in a southwesterly direction to its intersection with Floyd Baker Boulevard; thence along and with Floyd Baker Boulevard in a southeasterly direction to its intersection with Gettys Drive; thence along and with Getty Drive in a southwesterly direction to its intersection with Calton Drive; thence along and with Calton Drive in a westerly direction to its intersection with West Buford Street; thence along and with West Buford Street in a northwesterly direction to its intersection with Young Street; thence along and with Young Street in a southwesterly direction to Irene Creek; thence meandering along and with said creek in a generally northwest direction to the existing city limits boundary; thence meandering along and with existing city limits boundaries to its intersection with Granard Street Extension; thence along and with Granard Street Extension in a southwest direction to its intersection with Short Alley; thence along and with Short Alley in a northwest direction to its intersection with Bryant Street; thence along and with Bryant Street in a southwest direction to its intersection with Holland Street; thence along and with Holland Street in a northwest direction to its intersection with Logan Street; thence along and with Logan Street in a southwest direction to its intersection with Mill Street, the point of beginning.

(3) *District 3.*

Beginning at a point at the intersection of Frederick and Wall Streets and running thence along and with Wall Street in a northeasterly direction to its intersection with Limestone Street; thence crossing Limestone Street and running along and with Railroad Avenue in an easterly direction to its intersection with Walnut Street; thence along and with Walnut Street in a southern direction to its intersection with Cherry Street; thence along and with Cherry Street in a southwest direction to its intersection with Filbert Street; thence along and with Filbert Street in a southeast direction to its intersection with Willow Street; thence along and with Willow Street in a northeast direction to its intersection with Oak Street; thence along and with Oak Street in a southeast direction to its intersection with Sycamore Street; thence along and with Sycamore Street in an easterly direction to its intersection with Chandler Drive; thence along and with Chandler Drive in a southwest direction to its intersection with Rugby Street; thence along and with Rugby Street in a southeasterly direction to its

intersection with New Street; thence along and with New Street in an easterly direction to its intersection with Clary Street; thence along and with Clary Street in a southern direction to its intersection with Anthony Street; thence along and with Anthony Street in a northeast direction to a point, the existing city limits boundary; thence running along and with the existing corporate limits in a southwest direction to its intersection with Hetty Hill Street; thence along and with Hetty Hill Street in a northeasterly direction to its intersection with Colonial Avenue; thence along and with Colonial Avenue in a northern direction to its the intersection with New Street; thence along and with New Street in an easterly direction to a point, the existing city limits boundary; thence meandering along and with the existing city limits boundaries to Colonial Avenue; thence along and with Colonial Avenue in a northern direction to its intersection with Goldmine Springs Road; thence along and with Goldmine Springs Road in an easterly direction to the point of the existing city limits boundaries; thence meandering along and with the existing city limits boundaries to a point on Cooper Street; thence along and with Cooper Street in a northern direction to its intersection with O'Neal Street; thence along and with O'Neal Street in a northwest direction to its intersection with Griffith Street; thence along and with the private drive of Limestone College to its intersection with Griffith Street; thence along and with Griffith Street in a northeast direction to its intersection with Hetty Hill Street; thence along and with Hetty Hill Street in a northeast direction to its intersection with Ashley Street; thence along and with Ashley Street in a northwest direction to its intersection with Russell Street; thence along and with Russell Street in a northeasterly direction to its intersection with Indian Hill Street; thence along and with Indian Hill Street in a southeast direction to its intersection with Hetty Hill Street; thence along and with Hetty Hill Street in a northeast direction to its intersection with Frederick Street; thence along and with Frederick Street in a northern direction to its intersection with Floyd Baker Boulevard; thence along and with Floyd Baker Boulevard in a northwest direction to its intersection with Chad's Alley; thence along and with Chad's Alley in a northeasterly direction to its intersection with Frederick Street; thence along and with Frederick Street in a southeasterly direction to its intersection with Wall Street, the point of beginning.

(4) *District 4.*

Beginning at a point at the intersection Montgomery and Oliver Streets, and running thence with Oliver Street in a southwesterly direction to its intersection with Wood Street; thence along and with Wood Street in a southeasterly direction to its intersection with Oxford Street; thence running along and with Oxford Street in a southwesterly direction to its intersection with Boyd Street; thence crossing Boyd Street and continuing in a southwesterly direction to Granard Street; thence along and with Granard Street in a southwesterly direction to its intersection with Hyatt Street; thence along and with Hyatt Street in a northwesterly direction to the existing city limits boundary; thence meandering along and with the existing city limit boundaries to a point on Irene Creek; thence running along and with Irene Creek in an easterly

direction to its intersection with Young Street; thence along and with Young Street in a northeast direction to its intersection with Buford Street; thence along and with Buford Street in a southeastern direction to its intersection with Calton Drive; thence along and with Calton Drive in a northeastern direction to its intersection with Gettys Drive; thence along and with Gettys Drive in a northeast direction to its intersection with Floyd Baker Boulevard; thence along and with Floyd Baker Boulevard in a northwest direction to its intersection with Beltline Road; thence along and with Beltline Road in a northeast direction to its intersection with Carlisle Street; thence along and with Carlisle Street in a southeast direction to its intersection with Peachtree Street; thence along and with Peachtree Street in a southwest direction to its intersection with Floyd Baker Boulevard; thence along and with Floyd Baker Boulevard in a northwest direction to its intersection with Overbrook Drive; thence along and with Overbrook Drive in a southwest direction to its intersection with Smith Street; thence along and with Smith Street in a southeastern direction to its intersection with Hampton Street; thence along and with Hampton Street in a southwestern direction to its intersection with Montgomery Street; thence along and with Montgomery Street in a southeastern direction to its intersection with Oliver Street, the point of beginning.

(5) *District 5.*

Beginning at a point at the intersection of Montgomery and Oliver Streets and running thence with Montgomery Street in a northwest direction to its intersection with Hampton Street; thence along and with Hampton Street in a northeast direction to its intersection with Smith Street; thence along and with Smith Street in a northwest direction to its intersection with Overbrook Drive; thence along and with Overbrook Drive in a northeast direction to its intersection with Floyd Baker Boulevard; thence along and with Floyd Baker Boulevard in a southeast direction to its intersection with Frederick Street; thence along and with Frederick Street in a southeast direction to its intersection with Chad's Alley; thence along and with Chad's Alley in a southwest direction to its intersection with Floyd Baker Boulevard; thence along and with Floyd Baker Boulevard in a southeast direction to its intersection East Frederick Street; thence along and with East Frederick Street in a southern direction to its intersection with Union Street; thence along and with Union Street to in a northwesterly direction to its intersection with College Drive; thence along and with College Drive in a southeast direction to its intersection with 2nd Avenue in Oakland Cemetery; thence along and with 2nd Street in a southwestern direction to its intersection with Thompson Street; thence along and with Thompson Street in a southwestern direction to its intersection with Robinhood Lane; thence along and with Robinhood Lane in a northwest direction to its intersection with Knott Street; thence crossing Knott Street in a northwestern direction to a point on Spring Street; thence along and with Spring Street in a northeasterly direction to its intersection with Knott Street; thence along and with Knott Street in a northwest direction to its intersection with Florence Street; thence with Florence Street in a northeast direction to its

intersection with Corry Street; thence along and with Corry Street in a northwest direction to its intersection with Granard Street; thence along and with Granard Street in a northeast direction to its intersection with property now or formerly known as Oxford Street; thence along and with Oxford Street in a northeast direction to its intersection with Wood Street; thence along and with Wood Street in a northwest direction to its intersection with Oliver Street; thence along and with Oliver Street in a northeast direction to its intersection with Montgomery Street, the point of beginning.

(6) *District 6.*

Beginning at a point at the intersection of Granard and Corry Streets and running thence with Corry Street in a southeast direction to its intersection with Florence Street; thence along and with Florence Street in a southwest direction to its intersection with Knott Street; thence along and with Knott Street in a southeastern direction to its intersection with Springs Street; thence along and with Springs Street in a southwest direction to a point; thence running in a southeast direction to the intersection of Robinhood Lane and Knott Street; thence along and with Robinhood Lane in a southeast direction to its intersection with Thompson Street; thence along and with Thompson Street in a northeastern direction to its intersection with 2nd Street in Oakland Cemetery; thence along and with 2<sup>nd</sup> Street in an easterly direction to its intersection with College Drive; thence along and with College Drive in a northwest direction to its intersection with Union Street; thence along and with Union Street in a southeast direction to its intersection with East Frederick Street; thence along and with East Frederick Street in a southeast direction to its intersection with Hetty Hill Street; thence along and with Hetty Hill Street in a southwest direction to its intersection with Indian Hill Street; thence along and with Indian Hill Street in a northwest direction to its intersection with Russell Street; thence along and with Russell Street in a southwest direction to its intersection with Ashley Street; thence along and with Ashley Street in a southeast direction to its intersection with Hetty Hill Street; thence along and with Hetty Hill Street in a southwest direction to its intersection with Griffith Street; thence along and with Griffith Street in a southwesterly direction to its intersection with a private drive of Limestone College; thence along and with private drive of Limestone College to its intersection with East O'Neal Street; thence along and with East O'Neal Street in a southwesterly direction to its intersection Cooper Street Extension; thence along and with Cooper Street Extension in a southern direction to a point, the existing city limit boundaries; thence running along and with the existing city limit boundaries as it meanders to Hyatt Street; thence along and with Hyatt Street in a southeastern direction to its intersection of Granard Street, the point of beginning.

(Code 1964, § 7-2; Code 1980, § 7-1; Ord. No. 1990-1, § 2, 3-6-1990; Ord. No. 2002-1, 2-4-2002)

**Sec. 10-2. Election method.**

All regular and special elections for mayor and councilmembers shall be conducted and the results determined in accordance with the nonpartisan election and run-off method authorized

by S.C. Code 1976, § 5-15-62. The mayor and councilmembers for District Seat numbers 1, 4, and 6 shall be elected at the general election to be held in August of 2004 and every four years thereafter. Councilmembers for District Seat numbers 2, 3, and 5 shall be elected at the general election to be held in August of 2006 and every four years thereafter. A candidate seeking office from a particular district shall be a resident of that district during his entire term of office. At the time of their election, mayors and councilmembers shall be qualified electors of the city and councilmembers shall be qualified electors of the district prescribed for their election.

(Ord. No. 2003-9, § 7-2, 7-7-2003)

### **Sec. 10-3. Regular and special election.**

(a) In all regular and special elections for the offices of mayor and members of council, if no candidate for a single office receives a majority of the votes cast in the first election, a second election shall be conducted two weeks later between the two candidates receiving the largest number of votes in the first election who do not withdraw. The candidate receiving a majority of the votes cast in the runoff election shall be declared elected.

(b) If any municipal election results in a tie, the municipal election commission shall conduct a runoff election to break the tie two weeks following that election. In the tie-breaking runoff, the laws of this state apply, *mutatis mutandi*. If the date for the tie-breaking runoff election falls on a legal holiday, it must be set for the same day of the first week following which is not a legal holiday. If a tie-breaking runoff election is required, any remaining municipal elections required are postponed for two weeks. If the date of a postponed election falls on a legal holiday, it must be set for the same day of the first week following which is not a legal holiday.

(c) A vacancy in the office of mayor or council shall be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs 180 days or more prior to the next general election.

(d) Pursuant to S.C. Code 1976, § 7-13-190, special elections to fill vacancies in office by reason of death, resignation, or removal shall be held on the 13th Tuesday after the vacancy occurs. The election date is subject to the provisions of S.C. Code 1976, § 7-13-190 regarding holidays.

(e) Provided, however, if a vacancy occurs in more than one office requiring separate special elections to be held within a period of 28 days under the provisions of this section, the municipal election commission shall conduct all of the elections on the same date. The special elections shall be held on the latest date required for an election during the 28-day period.

(Ord. No. 2003-11, § 7-3, 9-2-2003)

### **Sec. 10-4. Municipal election commission—Composition; appointment and terms of members.**

All municipal elections shall be conducted by a municipal election commission composed of three duly qualified electors who shall be residents of the city and shall be appointed by the



city council. The terms of office for members of the municipal election commission shall be for six years, except that, of those first appointed, one shall serve a term of six years, one a term of four years and one a term of two years.

(Code 1964, § 7-01; Code 1980, § 7-4)

**State law reference**—Similar provisions, S.C. Code 1976, § 5-15-90.

**Sec. 10-5. Same—Functions, powers and duties.**

The municipal election commission shall have the functions, powers and duties of commissioners of elections and shall conduct all city elections in accordance with federal, state and local laws.

(Code 1964, § 7-01; Code 1980, § 7-5)

**State law reference**—Similar provisions, S.C. Code 1976, § 5-15-100.

**Sec. 10-6. Filing statement of candidacy; fees.**

(a) Each person offering as a candidate for election to the office of mayor or city council shall do so by filing a notice of candidacy with the municipal election commission not later than 60 days prior to the date of the election in the case of a general election, and not later than 12:00 noon 45 days prior to the date of the election in the case of a special election, in substantially the following form:

I, \_\_\_\_\_ hereby file a Statement of Candidacy to seek the position of Mayor/Councilmember from District Seat Number \_\_\_\_\_.

I am paying a filing fee of \$ \_\_\_\_\_ at the filing of this Statement.

Please print your name the way you wish it to appear on the ballot:

\_\_\_\_\_  
My name on the ballot may not imply professional or social status, an office or military rank. This name may be my given name, a derivative of my given name used in good faith for honest purposes or a nickname which bears no relation to my given name but which is used in good faith for honest purposes and does not exceed 15 letters on the ballot. My signature below attests to this.

I have never been convicted of, pled guilty or nolo contendere to a felony or an offense against the S.C. election laws. If so, I have been pardoned under state or federal law or it has been 15 years or more after the completed service of the sentence, including probation and parole time. My signature below attests to this.

I hereby confirm that I meet, or will meet by the time of the general or special election or as otherwise required by law, the qualifications to hold this office.

Candidate's signature \_\_\_\_\_

Address \_\_\_\_\_

Telephone number (day) \_\_\_\_\_ (evening) \_\_\_\_\_

Voter Registration number \_\_\_\_\_

Signature of Receiving Authority \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_

No political affiliation shall be placed on the ballot for any candidate.

(b) The filing fee for the office of mayor shall be \$1,000.00. The filing fee for the office of city councilmember shall be \$750.00.

(c) The filing date is subject to the provisions of S.C. Code 1976, § 7-13-190 regarding holidays.

(Ord. No. 2003-11, § 7-6, 9-2-2003)

**Sec. 10-7. Regular election date.**

Regular elections for the offices of mayor and councilmembers shall be held in the even-numbered years on the second Tuesday in August.

(Code 1980, § 7-7; Ord. No. 1978-1, § 2, 1-23-1978; Ord. No. 2003-9, § 7-7, 7-7-2003)

**State law reference**—Duty of council to establish time for general elections, S.C. Code 1976, § 5-15-50.

**Sec. 10-8. Notice of elections.**

The municipal election commission shall publish two notices of general and special elections held in a newspaper of general circulation in the city. Included in each notice shall be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at 2:00 p.m. on election day at a place designated in the notice by the municipal election commission. The first notice must appear not later than 60 days before the election and the second notice must appear not later than two weeks after the first notice.

(Code 1980, § 7-8; Ord. No. 1978-1, § 2, 1-23-1978; Ord. No. 1990-1, § 3, 3-6-1990; Ord. No. 2003-9, § 7-8, 7-7-2003)

**Sec. 10-9. Procedure for contesting results of election; appeals.**

(a) Within 48 hours after the closing of the polls, any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the municipal election commission. Within 48 hours after the filing of such notice, the municipal election commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the county clerk of court, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned. Neither the mayor nor any member of council shall be eligible to participate on the issues arising in any contest in which he is a party.

(b) Within ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days. The notice of appeal shall act as a stay of further proceedings pending the appeal.

(Ord. No. 2003-9, § 7-13, 7-7-2003)

**Sec. 10-10. Declaration of results.**

The municipal election commission shall declare the results of an election not later than three days following the election.

(Code 1980, § 7-14; Ord. No. 1978-1, § 9, 1-23-1978; Ord. No. 1990-1, § 9, 3-6-1990; Ord. No. 2003-9, § 7-14, 7-7-2003)

**Sec. 10-11. Time for assuming office.**

(a) Officers newly elected at a regular election shall subscribe to the oath required by the Constitution and laws of the state and take office at a meeting of council on the first Friday following the fourth Tuesday in August in even-numbered years, or at such other meeting as called by council which is at least 48 hours after an election which is not contested.

(b) Incumbents shall remain in office until protests are finally determined and successors are qualified and take office.

(c) Officers newly elected at a special election shall subscribe to the oath required by the Constitution and laws of the state and take office at a meeting of council which is at least 48 hours after an election which is not contested, or, for an election which is contested, at a meeting of council held after protests are finally determined.

(Code 1980, § 7-15; Ord. No. 1978-1, § 10, 1-23-1978; Ord. No. 2003-9, § 7-7, 7-7-2003)



Chapter 11

**RESERVED**

